

# KENTUCKY ENVIRONMENTAL LEAD PROGRAM

September 1998

## Announcements or Updates

### No reciprocity

At present Kentucky does not have a reciprocity agreement with any other State which allows the equivalent certification of an individual.

Submission of certification from another State does speed up the process of Kentucky certification; however, the training, experience of the individuals must be reviewed.

### EPA State Authorization

Kentucky has applied for State EPA Authorization under the requirements indicated in EPA 404 rules. The initial indication from EPA Region IV office is that authorization is on schedule and highly likely.

### Update on the Federal Program

EPA continues to develop its' program for those states that do not obtain authorization to run their own programs. The most recent development is EPA's proposed regulation you can access it on the internet at: [www.epa.gov/opptintr/lead/leadcert.htm](http://www.epa.gov/opptintr/lead/leadcert.htm)

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## Laws and Regulations

The Kentucky Environmental Lead Law (KRS 211.9061 - 211-9079) became effective in July 15, 1996. The intent of the law is to prevent lead poisoning in target housing and child occupied facilities.

\*\*\*\*\*This law can be reviewed on the internet at [www.lrc.state.ky.us/KRS/211-00/CHAPTER.HTM](http://www.lrc.state.ky.us/KRS/211-00/CHAPTER.HTM)

Subsequent regulations were adopted and became effective on July 1, 1997. The regulations were:

902 KAR 47:080 - Training and certification requirements for persons who perform lead-hazard detection or lead-hazard abatement.

902 KAR 47:090 - Accreditation of training programs and providers of educational programs for individuals who perform lead-hazard detection and abatement.

902 KAR 47:100 - Permit fees, permit requirements and procedures for performing lead-hazard detection and abatement.

\*\*\*These regulations can be reviewed on the internet at [www.lrc.state.ky.us/kar/TITLE902.HTM](http://www.lrc.state.ky.us/kar/TITLE902.HTM)

## Summary of Regulatory Requirements:

### Certification of Individuals:

A person seeking certification by the department must apply, pay an application fee, pass the designated third party examination (if appropriate); and provide proof of required training, education and experience for the discipline for which they are applying.

A company which is seeking must apply, pay an application fee; and provide a list and certification number of Department certified employees, and a notarized affidavit stating that its employees who are involved in lead-hazard activities will follow the work practice standards established by regulation(s).

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## **Some major differences between EPA 402 and Kentucky Rules**

### **Abatement Activities and Requirements**

#### **Kentucky rules:**

Do not exempt individual home owners, or other owned unoccupied dwellings from the rules and standards for lead-hazard abatement.

Do not exempt zero bedroom dwellings from the definition of "Target Housing."

Require the payment of a fee and the issuance of an abatement permit for an abatement project in "target housing" or "child-occupied facilities."

Require the submission of an abatement and occupant protection plan; at the time of application and before issuance of the abatement permit.

Require that a project designer must be involved in "large scale" projects; which are projects with ten or more residential units.

Require the submission of a final abatement plan within thirty (30) days after the project is completed.

Require that a quality assurance inspection be conducted, by the Department after the "final clearance" has been concluded by a certified inspector or risk assessor.

#### **Certification and Reporting**

#### **Kentucky rules:**

Require an individual must have a high school diploma or equivalent; or one (1) year's experience in a profession related to lead, asbestos, environmental remediation, or building construction.

Require that an individual applying for certification as a project designer must pass the third party testing for lead-hazard supervisor.

Require that a copy of an inspection, screening, or risk assessment report be provided to the Department for Public Health, Environmental Lead Program within thirty (30) days of the completion of the activity.

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### **Announcements or Updates -Cont.-**

This regulation establishes the fees that EPA will charge in states that have not been authorized. It is our understanding that these fees will be charged to everyone working in states without authorization. These fees will be charged even if you are already certified by an authorized state.

We hope to provide a listing of authorized states in the October newsletter.

### **Regulatory Requirements -Cont.-**

#### **Work Practice Standards:**

The Department essentially adopted the work practice requirements and methodologies indicated in EPA 402 rules. Also, other practices and methodologies were adopted by reference. These were the "U.S. Department of Housing and Urban Development, Guidelines for the Evaluation and Control of Lead-based Paint Hazards in Housing"; "EPA Guidance on Residential Lead-based Paint, Lead-contaminated Dust; and Lead-contaminated Soil"; and "EPA Residential Sampling for Lead: Protocols for Dust and Soil Sampling".

#### **Accreditation of Training Courses:**

A training provider shall submit a fee for each course, name, address, and telephone number; a list of training courses proposed for accreditation.

The training provider must either provide documentation establishing that accreditation by another state meets the requirements of KRS 211.9069(2); or a statement signed by the training manager certifying that the training program meets the requirements established by Departmental administrative regulation. The provider must also submit manuals and specific course information. The provider must also provide documentation of the training manager's qualifications, information relating to the additional educational and physical training requirements as indicated in 902 KAR 47:090.